10/501962

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re United States Patent Application of:) Docket No.:	4121-170
Applicant(s):	Braun, et al) Examiner:	Not Yet Assigned
Application No.:	New U.S. National Stage Application of PCT International Application No. PCT/DE03/00124) Art Unit:)	Not Yet Assigned
Int'l Filing Date:	17 January 2003	Customer No.:	
Priority Date:	18 January 2002(German Patent Application No. 102 01 862.6)	23448	
Title:	CONJUGATE FOR TREATING PROKARYOTIC INFECTIONS		

EXPRESS MAIL CERTIFICATE

I hereby certify that I am mailing the attached documents to the Commissioner for Patents on the date specified, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 and Express Mailed under the provisions of 37 CFR 1.10.

t Studie Solik
L. Stephen Lockett
July 19, 2004
Date
EO 002 269 546 US
Express Mail Label Number

SUBMISSION UNDER 35 U.S.C. §371 OF UNITED STATES PATENT APPLICATION (NATIONAL PHASE PROCEEDINGS) BASED ON INTERNATIONAL APPLICATION NO. PCT/DE03/00124 AND CLAIMING PRIORITY OF GERMAN PATENT APPLICATION NO. 102 01 862.6

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Submitted herewith for filing under the provisions of 37 CFR §1.53 and 35 U.S.C. §371 is the abovereferenced patent application, based on International Patent Application No. PCT/DE03/00124 and claiming priority of German Patent Application No. 102 01 862.6. A copy of the PCT International Application, English translation of the application and related documents as originally filed are also included. Further included is a Preliminary Amendment, unsigned Declaration and Power of Attorney, return postcard, a check in the amount of \$460.00, and 35 U.S.C. §371 transmittal forms.

Please direct correspondence relating to this application to Steven J. Hultquist, Intellectual Property Technology Law, P.O. Box 14329, Research Triangle Park, NC 27709, and direct telephonic communications relating to this application to Marianne Fuierer at (919) 419-9350.

Respectfully submitted,

Marianne Fuierer

Registration No. 39,983 Attorney for Applicants

INTELLECTUAL PROPERTY/ **TECHNOLOGY LAW** P.O. Box 14329

Research Triangle Park, NC 27709

Tel: (919) 419-9350 Fax: (919) 419-9354 Attorney Ref.: 4121-170

FORM PTO-1390 4121-170 TRANSMITTAL LETTER TO THE UNITED STATES U.S. APPLICATION NO. (If known, see 37 CFR 1.5) DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371 INTERNATIONAL APPLICATION NO. INTERNATIONAL FILING DATE PRIORITY DATE CLAIMED PCT/DE 03/00/24 18 January 2002 17 January 2003 TITLE OF INVENTION CONJUGATE FOR TREATING PROKARYOTIC INFECTIONS APPLICANT(S) FOR DO/EO/US BRAUN, Klaus; BRAUN, Isabell; DEBUS, Jürgen; PIPKORN, RüDIGER; and WALDECK, Waldemar Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay 3. examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1). A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date. \boxtimes A copy of the International Application as filed (35 U.S.C. 371(c)(2)) is transmitted herewith (required only if not transmitted by the International Bureau). has been transmitted by the International Bureau. b. is not required, as the application was filed in the United States Receiving Office (RO/US). A translation of the International Application into English (35 U.S.C. 371(c)(2)). 7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) are transmitted herewith (required only if not transmitted by the International Bureau). a. have been transmitted by the International Bureau. b. have not been made; however, the time limit for making such amendments has NOT expired. c. have not been made and will not be made. A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).*(Unsigned) A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 10. l (35 U.S.C. 371(c)(5)). Items 11. to 16. below concern other document(s) or information included: An Information Disclosure Statement under 37 CFR 1.97 and 1.98. An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. A FIRST preliminary amendment. A SECOND or SUBSEQUENT preliminary amendment. A substitute specification. Small entity status is claimed.

16.

Other items or information:

DT09 Rec'd PCT/PTO CALCULATIONS Basic National Fee (37 CFR 1.492(a)(1)-(5)): Search Report has been prepared by the EPO or JPO......\$920.00 International preliminary examination fee paid to USPTO (37 CFR 1.482)\$730.00 No International preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)).....\$770.00 Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO.....\$1080.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4).....\$100.00 **ENTER APPROPRIATE BASIC FEE AMOUNT =** \$ 920.00 Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)). Number Filed Claims Number Extra Rate **Total Claims** 19 - 20 = X \$18.00 \$ 0 3 - 3 = Independent Claims X \$86.00 \$ 0 Multiple dependent claim(s) (if applicable) + \$290.00 \$ TOTAL OF ABOVE CALCULATIONS = 920.00 Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28). 460.00 SUBTOTAL = \$ Processing fee of \$130.00 for furnishing the English translation later than Months from the earliest claimed priority date (37 CFR 1.492(f)). TOTAL NATIONAL FEE = \$ 460.00 Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be \$ accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property **TOTAL FEE ENCLOSED =** 460.00 Amount to be: \$ refunded Charged \$ A check in the amount of \$460.00 to cover the above fees is enclosed. Please charge my Deposit Account No. in the amount of \$ to cover the above fees. A duplicate copy of this sheet is enclosed. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 08-3284. A duplicate copy of this sheet is enclosed. NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not yet been met, a petition to revive (37 CFR 1.127(a) or (b)) must be filed and granted to restore the application to pending status. SEND ALL CORRESPONDENCE TO: Marianne Fuierer Steven J. Hultquist Registration No. 39,983 Intellectual Property/Technology Law P. O. Box 14329 Research Triangle Park, NC 27709